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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,136	08/16/2005	Aidan Charles Pennington	GB9-2002-0038-US1	3998
49056 7590 05/28/2008 LIEBERMAN & BRANDSDORFER, LLC 802 STILL CREEK LANE GAITHERSBURG, MD 20878				
EXAMINER				
DEWS, BROOKE J				
ART UNIT		PAPER NUMBER		
2181				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/522,136

**Applicant(s)**

PENNINGTON, AIDAN CHARLES

**Examiner**

Brooke J. Dews

**Art Unit**

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-25 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-25 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In light of the amendment filed, the application is still pending. Upon further consideration of the amended claims, a **FINAL REJECTION** is made in view of George Black et al. (US Patent 5878056), Clark Lubbers et al. (US Publication 2003/0188233), and Applicant's admitted prior art (AAPA). Applicant's arguments filed, 02/14/2008, with respect to claims 19-25, and 37-39 have been considered but are moot in view of the new ground(s) of rejection. Claims 1-18, 26-36, and 40 are cancelled. Claims 19-25 and 37-39 are still pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the limitation "a second queue manager" and "a second server". There is insufficient antecedent basis for this limitation in the claim. A "first queue manager" is never mentioned in the claim. It is unclear to the examiner whether applicant wishes to include a first and second queue manager.

Claims 20-25 are rejected for incorporating the defects of the claims from which they depend for clarification purposes. Correction/Clarification is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19, 20, 24, 25, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over George Black et al. (US Patent 5878056), hereafter Black, in view of Clark Lubbers et al. (US Publication 2003/0188233), hereafter Lubbers.

**Regarding claims 19 and 37** are discloses a method for communicating in a computer system comprising:

managing a queue (**message queue; Column 8 lines 33-37**) in a storage area network of said computer system supporting an asynchronous messaging (**asynchronous communication**) and queuing system; (**Column 9 line 13-30**)

receiving a message request at said storage area network from a second queue manager (**via local queue manager**) local to a second server; (**Column 8 lines 51-55**)

passing said received message request to a storage area network controller local to a first server of said storage area network (**Figure 2 and 3**);

and maintaining message data on said queue on storage media (**main memory or disk storage; Column 9 lines 31-35**) in said storage area network, wherein said controller includes means to control a message selected from a group consisting of: non-persistent (**transient**) and persistent (**permanent**). (**Column 16 lines 11-25**)

Though Black reveals a communication network, Black, however, does not explicitly disclose the communication network to be a storage area network.

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Lubbers discloses said storage area network in a queuing management environment. **(Figure 1; Paragraph [0031])**

Lubbers and Black are analogous art because they are from the same field of endeavor/problem involving a system programmed for organization or manipulation of data, to respond to an unexpected hardware or software failure.

Though Black does not explicitly reveal the type of network used for controlling (via queue manager) queues, Lubbers discloses a centralized authority to be involved in executing the persistent reservation. The instructions of which are embodied in software that executes on an array controller in a storage area network (SAN). **(Paragraph [0090])**. Therefore it would have been obvious to use the SAN of Lubbers in the motivation behind such a combination being to provide multiple replication, load balancing, and failover to support disaster tolerance without limitations imposed by designating rigid roles for the system components. **(Paragraph [0011 and 0025])**

**Claim 20** are rejected for the reasons set forth hereinabove for claim 19 and further the modified Black discloses the method further comprising supporting simultaneous access to said message queue (**destination queue 170/170' and transmission queue 160/160'**) by a first queue manager (**message queue manager 130**) and a second queue manager (**message queue manager 130'**). **(Figure 3)**

**Claim 24 and 38** are rejected for the reasons set forth hereinabove for claim 19 and 37, and further the modified Black discloses the method wherein said transaction message control means (**via sending/receiving MCA; Figure 5**) utilizes a syncpoint coordinator (**via syncpoint-manager- controlled unit 330 and 360**). **(Column 12 line 9-11, 25-27, 42-46; Figure 5)**

**Claim 25** is rejected for the reasons set forth hereinabove for claim 19, and further the modified Black discloses wherein the step of managing a queue (**destination queue 170/170'and transmission queue 160/160'**) in a network includes preserving data integrity (**reliable storage of queued messages**). (**Column 9 line 27-30**)

**Claim 20** is rejected for the reasons set forth hereinabove for claim 19, and further the modified Black discloses further comprising supporting simultaneous access to said queue (**LUN**) by a third queue manager local to a third server and said second queue manager (**via two host**). (**Paragraph [0009] of Lubbers**)

3. Claim 21-23 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over George Black et al. (US Patent 5878056), hereafter Black, in view of Clark Lubbers et al. (US Publication 2003/0188233), hereafter Lubbers as applied to claims 19, 20, 24, 25, 37, and 38 above, and further in view of Applicant's Admitted Prior Art (US Publication 20060155894), hereafter AAPA.

**Claim 21 and 39** are rejected for the reasons set forth hereinabove for claim 19 and 37, and further the modified Black discloses the method further wherein the step of managing a queue (**destination queue 170/170'and transmission queue 160/160'**) in a network includes authorizing to a call request from said queue manager (**message queue manager 130/130'**). (**Column 8 line 51-64**)

The modified Black, however, does not explicitly disclose the system comprising a connection handle.

However, AAPA teaches, in paragraph [0004] and [0005], that it is well within the level of skill in the art to provide a "connection handle" in an asynchronous messaging and queuing system.

AAPA discloses the system comprising a connection handle. (**Paragraph [0005]**)

**Claim 22** are rejected for the reasons set forth hereinabove for claim 21, and further the further modified Black discloses the method further comprising tracking a quantity of authorized connection handles (**the process responds success thru "retries"; Column 14 line 48-54**) for said queue (**destination queue 170/170' and transmission queue 160/160'**). (**Claim 4 of Black**)

**Claim 23 and 30** are rejected for the reasons set forth hereinabove for claim 21 and 28, and further AAPA discloses the method wherein the step of managing a queue in a storage area network includes dispensing an object handle by said queue manager for performance of a service to an object. (**Paragraph [0005]**)

#### *Response to Arguments*

Applicant's arguments are summarized as the following:

- A.** Black does not teach a centralized queue in the manner claimed by applicant.
- B.** There is no teaching in Black, Tang, or AAPA singularly or in combination of a SAN controller to manage a queue in the manner claimed by Applicant.

In response to applicant's arguments, **A and B**, examiner notes the new combination of Black (including Lubbers) discloses the claimed features of the amended claims. (See above rejection.)

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brooke J. Dews whose telephone number is 571-270-1013. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niketa I. Patel/  
Primary Examiner, Art Unit 2181

/B. J. D./05/20/2008  
Examiner, Art Unit 2182